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July 22, 2014

VIA ELECTRONIC AND CERTIFIED MAIL

Mr. Jeff S. Jordan
Assistant General Counsel
Federal Election Commission
Attn: Kim Collins, Paralegal
999 E Street, N.W.
Washington, DC 20463

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COMMISSION
2014 JUL 24 AM 9:44

Re: MUR 6831--Response of Tom MacArthur for Congress, Inc. (Ron Gravano, Treasurer)

Dear Mr. Jordan:

A complaint filed recently with the Commission accuses Tom MacArthur for Congress, Inc. (the "Committee") of violating "the disclaimer requirement of federal law."¹ The complaint's specific and specious claim is that the Committee's television advertisement failed to include a required written statement at the ad's conclusion.²

The Committee's television ad did, in fact, include the required written disclaimer. Commission rules stipulate that a candidate-sponsored television communication must include: (1) a verbal "statement that identifies the candidate and states that he or she has approved the communication";³ and (2) a "similar statement that must appear in clearly readable writing at the end of the television communication."⁴ The Committee's ad met the verbal disclaimer requirement, as the complaint acknowledges.⁵ The Committee's ad also satisfied the written disclaimer requirement, though, by including "Paid for by Tom MacArthur for Congress, Inc." in clearly readable type at the end of the ad.⁶ This written statement is "similar" to the verbal disclaimer because it indicates Mr. MacArthur authorized the television ad. The Commission has already endorsed this approach elsewhere in its disclaimer rules by allowing a candidate to signify his authorization through a statement mentioning "that the communication has been paid

¹ Matter Under Review 6831, Complaint at 3.

² Matter Under Review 6831, Complaint at 3.

³ 11 C.F.R. § 110.11(c)(3)(ii).

⁴ 11 C.F.R. § 110.11(c)(3)(iii).

⁵ Matter Under Review 6831, Complaint at 4.

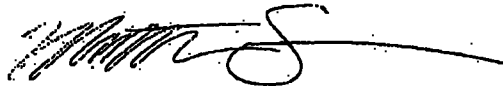
⁶ Tom MacArthur for Congress, *Joint Base* (Apr. 29, 2014), available at https://www.youtube.com/watch?v=qsQUV_hh0gQ.

for by [his] authorized political committee.”⁷ The existing written statement in the Committee’s television advertisement therefore fully complies with federal disclaimer rules.

Even if the Commission could somehow accept the complaint’s flawed legal analysis, the Committee’s television advertisement still does not violate federal disclaimer regulations. Commission disclaimer rules are designed to “insure that the voters are fully informed’ about who is speaking” in a particular public communication.⁸ This standard is obviously met here, given that the television advertisement featured the Committee’s logo, the candidate’s image and voice, and the written sponsorship statement, which were sufficient to allow the public to determine who sponsored and authorized the ad. Moreover, the Commission has an established “practice”⁹ of declining to pursue disclaimer-rule complaints where, as here, the alleged violation could only be nominal at best.¹⁰

Because the Committee’s television advertisement featured the required written disclaimer statement and contained information that allowed the public to readily identify it as the communication’s sponsor, the Commission should find no reason to believe that a violation occurred and should dismiss this Matter.

Respectfully Submitted,



Matthew T. Sanderson
Caplin & Drysdale, Chartered

⁷ 11 C.F.R. § 110.11(b)(1). *See also* 2 U.S.C. § 441d(a)(1) (declaring that a communication, “if paid for and authorized by a candidate ... shall clearly state that the communication has been paid for by [an] authorized political committee”).

⁸ *Citizens United v. Fed. Election Comm’n*, 558 U.S. 310, 315 (2010) (quoting *Buckley v. Valeo*, 424 U.S. 1, 76 (1976)).

⁹ Matter Under Review 6502 (Neb. Democratic Party), Statement of Reasons of Vice Chair Weintraub and Commissioners Bauerly and Walther at 1 n. 4.

¹⁰ *See, e.g.*, Matter Under Review 5712 (Schwarzenegger), Matter Under Review 6207 (DeSaulnier), Matter Under Review 6126 (RSCC), Matter Under Review 6377 (Harry Reid Votes, *et al.*), Matter Under Review 6415 (Kristi for Congress, *et al.*), Matter Under Review 6615 (Save 9, *et al.*), Matter Under Review 6633 (Republican Majority Campaign PAC).

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